

Aug 14, 2017

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

BEVERLY LEONARD O/B/O JML, a
minor child,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 1:16-CV-3172-JTR

ORDER GRANTING STIPULATED
MOTION FOR REMAND
PURSUANT TO SENTENCE FOUR
OF 42 U.S.C. § 405(g)

BEFORE THE COURT is the parties' stipulated motion to remand the above-captioned matter to the Commissioner for additional administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 25. Attorney D. James Tree represents Plaintiff; Special Assistant United States Attorney Terrye Erin Shea represents Defendant. The parties have consented to proceed before a magistrate judge. ECF No. 7. After considering the file and proposed order, **IT IS ORDERED:**

1. The parties' Stipulated Motion For Remand, **ECF No. 25**, is **GRANTED**. The above-captioned case is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

On remand, the administrative law judge (ALJ) shall: (1) update the record, including an updated comprehensive pediatric review (*see* Acquiescence Ruling 04-1(9), available at https://www.ssa.gov/OP_Home/rulings/ar/09/AR2004-01-ar-09.html); (2) reassess the medical opinion evidence regarding Plaintiff's asthma in light of the findings of record that Plaintiff's asthma was poorly controlled despite being prescribed the maximum dose of asthma medication; and (3), if unable to

ORDER GRANTING STIPULATED MOTION FOR REMAND . . . - 1

1 issue a fully favorable decision after updating and evaluating the record, hold a *de*
2 *novo* hearing and issue a new decision. The ALJ may take any other actions
3 necessary to develop the record, and Plaintiff may submit additional evidence and
4 present additional argument.

5 2. **Judgment shall be entered for PLAINTIFF.**

6 3. Plaintiff's Motion for Summary Judgment, **ECF No. 15**, is
7 **STRICKEN AS MOOT.**

8 4. An application for attorney fees may be filed by separate motion.

9 The District Court Executive is directed to enter this Order, forward copies
10 to counsel, and **CLOSE THE FILE.**

11 DATED August 14, 2017.



A handwritten signature in black ink, appearing to read "M", is written over a horizontal line.

JOHN T. RODGERS
UNITED STATES MAGISTRATE JUDGE